

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

LABORERS' LOCAL 265 PENSION FUND))	
and PLUMBERS AND PIPEFITTERS))	
LOCAL NO. 572 PENSION FUND,))	
)	
Plaintiffs,))	
)	
)	
v.))	Civil No. 3:13-cv-00046
)	Judge Trauger
iSHARES TRUST, et al.,))	Magistrate Judge Knowles
)	
Defendants.))	

DEFENDANTS' MOTION TO DISMISS CASE WITH PREJUDICE

Defendants iShares Trust, iShares, Inc., the ETF Defendants,¹ Blackrock Fund Advisors, Blackrock Institutional Trust Company, N.A., Robert S. Kapito and Michael Latham respectfully move the Court for entry of final judgment dismissing this case with prejudice. Defendants Robert H. Silver, George G.C. Parker, John E. Martinez, Cecilia H. Herbert, Charles A. Hurty, John E. Kerrigan and Madhav V. Rajan also join in this motion.

By Memorandum and accompanying Order, both dated August 28, 2013, this Court (i) granted Defendants' Motion to Dismiss the Complaint, (ii) dismissed Plaintiffs' claims without prejudice; (iii) permitted Plaintiffs to file a motion for leave to amend the Complaint by September 17, 2013 or to otherwise move for an extension of the September 17 deadline upon a showing of good cause; and (iv) stated that the Court would enter a final judgment dismissing

¹ The ETF Defendants are iShares Russell Midcap Index Fund, iShares MSCI EAFE Index Fund, iShares MSCI Emerging Markets Index Fund, iShares Russell 2000 Growth Index Fund, iShares Russell 2000 Value Index Fund, iShares Core S&P Mid Cap Index Fund, iShares Core S&P Small-Cap Index Fund and iShares Dow Jones US Real Estate Index Fund.

Plaintiffs' claims with prejudice unless they filed a motion for leave to amend by the deadline or timely sought an extension of the deadline. (Doc. Nos. 48 and 49.) Plaintiffs thereafter requested, and the Court granted, an extension of time until October 17, 2013 to file a motion for leave to amend the Complaint. (Doc. Nos. 50 and 51.) Plaintiffs, however, did not file that motion by October 17. Given the Court's Memorandum and Order granting Defendants' Motion to Dismiss the Complaint and Plaintiffs' failure to seek leave to amend the Complaint within the time ordered by the Court, all Defendants respectfully move the Court to enter a final judgment dismissing this case with prejudice.

Respectfully submitted,

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Index Fund; iShares Core S&P Small-Cap
Index Fund; iShares Dow Jones US Real
Estate Index Fund; Blackrock Fund
Advisors; Blackrock Institutional Trust
Company, N.A.; Robert S. Kapito; and
Michael Latham*

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing document was served via the Court's ECF system on this 22nd day of October, 2013, upon:

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